

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Parida, et al.

Serial No.: 10/627,871

Group Art Unit: 2819

Filed: July 28, 2003

Examiner: Linh V. Nguyen

For: APPARATUS, SYSTEM AND METHOD FOR DATA
COMPRESSION USING IRREDUNDANT PATTERNS

Commissioner for Patents
Alexandria, Virginia 22313-1450

DECLARATION OF MARY C. GIBB

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn Intellectual Property Law Group, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn Intellectual Property Law Group, PLLC.
3. Each business day (Monday-Friday), McGinn Intellectual Property Law Group, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (PTO). That correspondence relates to patent and trademark applications

being handled by McGinn Intellectual Property Law Group, PLLC, and includes Office Actions. Generally, since McGinn Intellectual Property Law Group, PLLC, is located in Vienna, Virginia, PTO correspondence is received by the law firm within one or two business days after the PTO mailing date, although sometimes it takes longer. All mail is received in the Docketing Department, including PTO correspondence. The PTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn Intellectual Property Law Group, PLLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, an Office Action must be answered within the response time specified therein (within one, two, or three months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the Office Action and also six months after the mailing date of the Office Action (the non-extendable date). Attached as Exhibit 1 to my Declaration are copies of the pages of the docket book for items having a due date of July 25, 2007 and October 25, 2007 (three months and six months from the alleged mailing date of the Office Action). As can be seen from Exhibit 1, there is no entry for the above-identified application,

indicating that the Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

6. Once the PTO Office Action received on a given date has been manually entered in the docket book as just described, the appropriate file for the PTO Office Action is pulled and matched up to that Office Action. The appropriate file and the PTO Office Action is then given to the secretary to the attorney responsible for handling the file. The secretary then enters the PTO Office Action and the response due date in the secretary's docket book and on the front cover of the application's file jacket.

7. On a weekly basis, a docket of cases due that week and the pertinent due dates for response for each case is given to each person at McGinn Intellectual Property Law Group, PLLC. This docket is double-checked with the docket maintained by the secretary. I have reviewed this list, and it does not include an entry for the above-identified application. Attached as Exhibit 2 to my Declaration is a copy of the list of cases submitted (due) for the weeks of July 24, 2007 and October 23, 2007. As can be seen from Exhibit 2, there is no entry relating to a PTO mailing of an Office Action in connection with the above-identified application.

8. In addition to manually entering entries in the docket book as just described, the same information is entered in our computer docketing program. Attached as Exhibit 3 to my Declaration is a copy of the report from the computerized docketing program for the above-identified application. As can be seen from Exhibit 3, there is no entry indicating that the

Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

9. Further, I attach Exhibit 4, which is a copy of the front cover of the subject application's file jacket. It should be noted that the file jacket front cover shows the chronological sequence of correspondence between the law firm and the U.S. Patent and Trademark Office. The left side of the front cover is filled in by the Attorney's secretary as Actions are received and docketed by them. The right side is filled in by the Attorney's secretary as the Actions are completed. As shown, there is no evidence showing an Office Action was ever received.

10. Based on my review of Exhibits 1-4, and on my personal knowledge of the procedures followed by McGinn Intellectual Property Law Group, PLLC, in the Docketing Department for handling PTO Office Actions, I conclude that no Office Action was received by McGinn Intellectual Property Law Group, PLLC, for the above-identified application.

11. The Notice of Abandonment which was received by McGinn Intellectual Property Law Group, PLLC, on November 7, 2007, is the most recent communication from the PTO for the above-identified application. This Notice of Abandonment is addressed to our current address at 8321 Old Courthouse Road, Suite 200, Vienna, Virginia 22182-3817.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that

Docket No. YOR920030198US1
Application Serial No. 10/627,871
YOR.466

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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/27/07

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
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(703) 761-4100
Customer No. 48150

Mary C. Gibb
Mary C. Gibb
Manager, Docketing Department

| | | | |
|--------------------|----------------------|----------------------------------|--------------------|
| CAS.001 | 5/18 | Resp. (L. Day) | SMT |
| IEL.056 | 3/20 | Resp. (L. Day) | FEC SMT |
| VAT.121 | ^{NEW} 01 | Resp. (L. Day) | SMT |
| NGB.126 | | Resp. (L. Day) | SMT |
| EBI.051 | 4/25 | Resp. (L. Day) | SMT SMT |
| ANA.025 | DIV aband. | Final (L. Day) | SMT |
| Fuj.059 | | Resp. (L. Day) | PEM SMT |
| NGB.067 | 4/24 | Resp. (L. Day) | SMT |
| YAN.042 | 2/22 | Resp. (L. Day) | SMT |
| YOR.678 | 3/26 | NCOMP (L. Day) | FEC |
| HIR.083 | 2/21 | Resp. (L. Day) | FEC |
| NGB.108 | 3/21 | NOMP (L. Day) | SMT |
| NGB.106 | 3/21 | NOMP (L. Day) | SMT |
| SUZ.029 | 4/20 | Resp. (L. Day) | WF |
| HIR.167 | 7/25 | Response | PEM |
| NGB.039 | CONT. Allowed | Final (3 mo.) amend. | FEC |
| NGB.311 | 8/3 | Issue Fee | JCH |
| GOT.080 | ext. | Final (2 mo.) allowed | FEC |
| IEL.056 | | Final (2 mo.) amend. | FEC |
| WAK.216 | 7/24 | NOMP | SMT |
| SUZ.028 | 7/25 | Appeal Brief | PNCG |
| YOR.335 | DIV 1 | Response | SMT SMT |
| Fuj.090 | 7/25 | IDS | SMT |
| KUM.005 | 7/5 | Interview Summary | DJC |
| YOR.465 | 7/25 | Interview Summary | FEC |

Exhibit 1
(page 1 of 2)

| | | |
|-----------------------------------|-----------------------------------|---------------------|
| HTR.167 7/25 | Resp. (L. Day) | PEAR |
| NGB.039 CONT. | Final (L. Day) allowed | FEC |
| GOT.086 allowed | final (5 mo.) | FEC |
| IEI.056 ext. | final (5 mo.) | FEC |
| YOR.335 DIV1 7/25 | Resp. (L. Day) | SMM |
| HTR.124 RCE | FINAL (4 Mo.) | DJL |
| ONO.031 10/24 | L. Fee (L. Day) | SKT |
| SOE.001 ext. | Response | JL SKT |
| Fujit.085 10/25 | Response | SKT |
| WAR.125 9/25 | Response | SKT |
| HTR.140 10/25 | Response | SKT |
| YOR.489 (error) | L. fee (L. Day) 10/25 | FEC |
| KUD.089 10/24 | L. fee (L. Day) | PEAR |
| UNI.040 10/24 | Response | PEAR SKT |
| WAR.101 11/7 | Issue Fee | PMCG |
| Fujit.097 ext. to 11/2 | H/S | SKT |
| NGB.087 CONT. error | H/S | SKT |
| Fuo.071 10/24 | Response (1 mo.) | SKT |
| Fujit.076 10/24 | Response (1 mo.) | SKT |
| Fujit.075 10/25 | H/S | SKT |
| IAK.042 DIV 10/5 | Response (1x) | PEAR |
| NEC.340 ext. | Response (1x) | DJL |
| YOR.498 DIV 10/24 | L. fee (L. Day) | SKT |

DOCKET

July 24, 2007 - July 30, 2007

Please compare this with your personal docket and inform us of any changes or additions!

| <u>DUE DATE</u> | <u>FILE</u> | <u>ACTION</u> | <u>ATTY</u> |
|------------------|-------------|-----------------------------|-------------|
| Tuesday, 7/24/07 | KAT.037 | FINAL (L. Day)amend. 6/12 | DJL |
| | MAR.067 | FINAL (L. Day)amend. 6/25 | DJL |
| | KUD.101 | Issue Fee | DJL |
| | NGB.572 | Response | JWF |
| | KUD.098 | Issue Fee | JWF |
| | NEC.276 DIV | FINAL (3 mo.)amend. 6/29 | PEM |
| | JTL.011 | Response | SMT |
| | YOR.228 DIV | FINAL (3 mo.)amend. 6/25 | SMT |
| | NGB.506 | I. Fee (L. Day) | SMT |
| | RYU.002 | Issue Fee | SMT |
| | HIR.099 | Response | PmcG |
| | KOH.002 | TM Response (3 mo.) | SMM |
| | KOH.003 | TM Response (3 mo.) | SMM |
| | KUD.185 | IDS | SMM |
| | KATO.041 | Issue Fee | DAD |
| | YOR.673 | IDS | JEH |

Issue Date:

7,248,870 FUK.011 DIV SMM 7,248,543 EBI.011 SMM 7,248,254 FUJ.059 PmcG
7,247,884 NGB.150 SMT 7,249,366 YOR.053 DIV PEM 7,248,078 IEI.053 SMM

| | | | |
|--------------------|--------------|----------------------------|------|
| Wednesday, 7/25/07 | NGB.126 | Resp. (L. Day) | SMT |
| | YOR.335 DIV1 | Response | SMT |
| | HIR.167 | Response | PEM |
| | NGB.039 | FINAL (3 mo.)amend. 6/25 | FEC |
| | GOT.080 | FINAL (2 mo.) | FEC |
| | IEI.056 | FINAL (2 mo.) | FEC |
| | YOR.465 | Interview Summary | FEC |
| | NGB.311 | Issue Fee | JEH |
| | WAK.216 | NOMP | SMM |
| | FUJI.090 | IDS | SMM |
| | SUZ.028 | Appeal Brief | PmcG |
| | KUM.005 | Interview Summary | DJL |

| | | | |
|-------------------|-------------|----------------------------|-----|
| Thursday, 7/26/07 | NIS.056 DIV | FINAL (5 mo.) | FEC |
| | YOR.292 | Non-Compliant Appeal Brief | FEC |
| | NGB.329 | Response | SMT |
| | YOR.484 DIV | Response (1 mo.) | SMT |

Exhibit 2
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| | | | |
|-----------------|-------------------|----------------------------|------------------------|
| Friday, 7/27/07 | NGB.306 | FINAL (5 mo.) | JEH |
| | ORI.055 | Maintenance Fee (L. Day) | SMM |
| | ORI.034 | Maintenance Fee (L. Day) | SMM |
| | IEI.036 | I. Fee (L. Day) | SMM |
| | NGB.707 | Issue Fee | SMM |
| | NGB.723 | Issue Fee | SMM |
| | NGB.722 | Issue Fee | SMM |
| | LEN.025 | Draft TM App. | SMM |
| | EDU.006 | TM Office Action (4 mo.) | SMM |
| | SHIM.018 | Response | JEH |
| | NGB.365 | FINAL (3 mo.) | JWF |
| | NGB.039 CONT. | FINAL (3 mo.) | FEC |
| | IEI.085 | Issue Fee | FEC |
| | MAS.006 | Issue Fee | FEC |
| | KAT.036 | Notice of Abandonment | PEM |
| | YOR.418 | IDS | PEM |
| | Saturday, 7/28/07 | NCF.001 | Renewal (1 yr. date) |
| EDU.003 | | TM Office Action (4 mo.) | SMM |
| FUJ.076 | | Response (1 x) | DAD |
| Sunday, 7/29/07 | YOR.430 DIV | FINAL (L. Day) | SMT |
| | KATOR.004 | FINAL (2 mo.) | SMT |
| | YOR.676 | NCAP | SMT |
| | USH.028 | FINAL (4 mo.)amend. 6/27 | PEM |
| | FUJL.028 | Examiners Answer | FEC |
| | WAK.219 REI | NOMP | FEC |
| | KATO.069 | FINAL (2 mo.) | FEC |
| | YOR.489 | Response (1 x) | FEC |
| | FUJIT.094 | IDS | SMM |
| NGB.444 | Response (1 x) | JWF | |
| Monday, 7/30/07 | AIR.001 | National Stage Entry | SMT |
| | USH.027 | FINAL (2 mo.) | SMT |
| | KATO.108 | FINAL (2 mo.) | SMT |
| | PRI.004 | FINAL (2 mo.) | SMT |
| | NGB.088 CONT. 2 | Resp. (L. Day) | SMT |
| | NEC.309 | Response | DAD |
| | NEC.295 | Response | SMM |
| | ORI.061 | Response | SMM |
| | MATSUB.004 | Issue Fee/Corrected Drwgs | SMM |
| | WAK.218 | IDS | SMM |
| | HIBI.046 | NCAP | SMM |
| | NGB.767 | Preliminary Amendment | SMM |
| | YOR.526 | FINAL (3 mo.)amend. 7/2 | PEM |
| | TAKAH.003 | FINAL (2 mo.) | PEM |
| | IEI.072 | Response (1 x) | FEC |
| | IEI.073 | Response (1 x) | FEC |

Exhibit 2
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DOCKET

October 23, 2007 - October 29, 2007

Please compare this with your personal docket and inform us of any changes or additions!

| <u>DUE DATE</u> | <u>FILE</u> | <u>ACTION</u> | <u>ATTY</u> |
|------------------------|--------------------|----------------------------|--------------------|
| Tuesday, 10/23/07 | FUS.055 | I. Fee (L. Day) | DJL |
| | IEI.013 | I. Fee (L. Day) | DJL |
| | FUS.070 | FINAL (2 mo.) | DJL |
| | KAJ.001 | I. Fee (L. Day) | PEM |
| | YOR.547 | Issue Fee | PEM |
| | NGB.412 | Response (2 x) | PEM |
| | KATO.098 | FINAL (3 mo.)amend. 10/5 | FEC |
| | YOR.719 | FINAL (2 mo.) | FEC |

Issue Date:

7,286,856 YAN.039 DAD D553,376 NGB.707 SMM D553,377 NGB.723 SMM
7,286,390 KUD.130 FEC 7,286,167 NGB.320 SMM 7,284,969 NGB.307 JEJ
7,285,906 EBI.019 SMM 7,284,927 ORI.102 JWF 7,285,803 HIR.109 JWF
7,286,669 AMA.048 PmcG D553,767 MATSUB.004 SMM D553,650 IWA.054 SMM
7,286,475 YAN.035 DAD

| | | | |
|---------------------|----------------|---------------------|------|
| Wednesday, 10/24/07 | KOH.002 | TM Resp. (L. Day) | SMM |
| | KOH.003 | TM Resp. (L. Day) | SMM |
| | HIR.231 | I. Fee (L. Day) | SMM |
| | KATO.143 | I. Fee (L. Day) | SMM |
| | NGB.591 | Issue Fee | SMM |
| | HIR.209 | IDS | SMM |
| | KATO.066 | IDS | SMM |
| | NEC.363 | FINAL (2 mo.) | SMM |
| | FUS.095 | IDS | SMM |
| | NGB.777 | NOMP (1 x) | SMM |
| | IEI.083 | Response | FEC |
| | NGB.536 | Response | FEC |
| | YOR.543 | Response (1 mo.) | FEC |
| | NGB.286 | FINAL (3 mo.) | SMT |
| | NGB.088 CONT.2 | IDS | SMT |
| | NGB.088 CONT.3 | IDS | SMT |
| | YOR.425 CONT. | FINAL (2 mo.) | SMT |
| | IEI.022 | FINAL (2 mo.) | PmcG |
| | WAK.111 | FINAL (2 mo.) | DAD |

Exhibit 2
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Thursday, 10/25/07

| | | |
|-------------|---------------------------|------|
| IEI.056 | FINAL (5 mo.) | FEC |
| YOR.489 | I. Fee (L. Day) | FEC |
| HIR.124 | FINAL (4 mo.)amend. 9/5 | DJL |
| NEC.340 | Response (1 x) | DJL |
| ONO.031 | I. Fee (L. Day) | SMT |
| FUJIT.075 | IDS | SMT |
| YOR.498 DIV | I. Fee (L. Day) | SMT |
| SOE.001 | Response | JL |
| FUJIT.085 | Response | SMM |
| HIR.140 | Response | SMM |
| FUJIT.097 | IDS | SMM |
| FUS.071 | Response (1 mo.) | SMM |
| FUJIT.076 | Response (1 mo.) | SMM |
| KUD.089 | I. Fee (L. Day) | PEM |
| UNI.040 | Response | PEM |
| WAK.101 | Issue Fee | PmcG |

Friday, 10/26/107

| | | |
|-------------|----------------------------|-----|
| MAR.094 | Response | SMT |
| FUS.081 | Response | SMT |
| YOR.228 DIV | Response | SMT |
| USH.015 | Response | SMT |
| USH.004 DIV | I. Fee (L. Day) | FEC |
| KAT.041 | FINAL (3 mo.)amend. 10/5 | FEC |
| KATO.140 | Response | FEC |
| YAS.040 | FINAL (3 mo.) | FEC |
| BUR096 | I. Fee (L. Day) | FEC |
| KATO.063 | Issue Fee | FEC |
| HIR.120 | Response | PEM |
| KATO.079 | Response | PEM |
| COS.001 | Response | PEM |
| WAK.134 | Issue Fee | PEM |
| NGB.305 | Response | JL |
| MAR.066 | I. Fee (L. Day) | DJL |
| FUJ.065 | FINAL (3 mo.) | DJL |
| IEI. 036 | I. Fee (L. Day) | SMM |
| HIR.155 | Response | SMM |
| IEI.096 | Issue Fee | SMM |

Exhibit Z
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| | | | |
|--------------------|---------|---|-----|
| Saturday, 10/27/07 | MAR.088 | FINAL (4 mo.) | PEM |
| | HIR.161 | FINAL (2 mo.) | PEM |
| | YOR.475 | Response | FEC |
| | NEC.334 | Response | FEC |
| | NEC.292 | Response (1 mo.) | FEC |
| | MAT.026 | Response (1 x) | FEC |
| | WAK.113 | FINAL (3 mo.) | DJL |
| | NEC.298 | Response | SMM |
| | ORI.100 | Post Registration office action (3 mo.) | SMM |
| | TAK.051 | IDS | SMM |
| | NNN.792 | NOMP | SMM |
| | KAW.004 | NOMP (1 x) | SMM |
| | MAS.023 | FINAL (3 mo.) | SMT |
| | NGB.362 | FINAL (2 mo.) | FS |

| | | | |
|------------------|---------|----------------------------------|-----|
| Sunday, 10/28/07 | CAS.001 | FINAL (4 mo.) | SMT |
| | NGB.308 | Notice of abandonment (L. Day) | SMM |
| | NNN.793 | NOMP | SMM |
| | NNN.791 | NOMP | SMM |
| | UNI.021 | RCE and Preliminary Amend. | PEM |

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|------------------|--------------------|-----------------------|-----|
| Monday, 10/29/07 | YOR.499 | I. Fee (L. Day) | FEC |
| | KUM.005 | I. Fee (L. Day) | DJL |
| | NGB.491 | I. Fee (L. Day) | SMM |
| | CAL.001 | TM Response (4 mo.) | SMM |

Exhibit 2
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Exhibit 3

